

David S. Musgrave, Esquire (VSB No. 35327)  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

In re:	)	
	)	Case No. 23-10566-KHK
EAGLE PROPERTIES AND INVESTMENTS,	)	
LLC,	)	Chapter 7
	)	
Debtor.	)	
_____	)	

**RESPONSE OF FULTON BANK, N.A. TO MOTION TO APPROVE  
SALE OF 1343 CHURCH ROAD, HERSHEY, PENNSYLVANIA  
FREE AND CLEAR OF LIS PENDENS**

Fulton Bank, N.A. responds to the Chapter 7 Trustee's Motion to Approve Sale of 1343 Church Road, Hershey, Pennsylvania 17033 (the "Real Property") Free and Clear of Lis Pendens Pursuant to 11 U.S.C. Section 363(f) (Doc 455) as follows:

1. Fulton Bank, N.A. has a first priority mortgage against the Real Property.
2. The proposed sale price of \$319,000.00 is sufficient to result in full payment of all amounts due to Fulton Bank, N.A. under its mortgage, including interest to the date of payment and legal fees and expenses.
3. Fulton Bank, N.A. consents to the sale proposed by the trustee as long as Fulton Bank, N.A. is paid in full all amounts secured by its mortgage against the Real Property at closing, which must occur within twenty days after court approval.

4. The sale should be free and clear of the lis pendens claimed by Bala Jain, LLC because the lis pendens is in bona fide dispute. The underlying legal action described in the lis pendens was dismissed and is no longer pending. As a result, the lis pendens is invalid.

Dated: June 3, 2024

/s/ David S. Musgrave

David S. Musgrave (Bar No. 35327)

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**CERTIFICATE OF SERVICE**

I certify that on June 3, 2024, copies of the foregoing were served via CM/ECF to all parties receiving notice thereby.

/s/ David S. Musgrave

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